

REMARKS

In the non-final Office Action dated January 2, 2008, it is noted that claims 1 – 8 and 10 are pending; and that claims 1 – 8 and 10 stand rejected under 35 U.S.C. §103.

In the present amendment, claims 1, 4, 5 and 7 have been amended to more clearly and distinctly claim the subject matter that Applicants regard as their invention. The support for the amended claims can be found in the specification, Fig. 3, and page 10, lines 3 – 15. No new matter has been added.

Rejections under 35 U.S.C. §103(a)

Claims 1, 5, 7 – 8 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Finseth et al. (US 2005/0028207 A1) in view of Usui et al. (US 6,075,570) and Hassell et al. (US 2007/0033615).

Claims 2, 3 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Finseth et al. (US 2005/0028207 A1), Usui et al. (US 6,075,570) and Hassell et al. (US 2007/0033615), and further in view of Percy et al. (US 4,646,145).

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Finseth et al. (US 2005/0028207 A1), Usui et al. (US 6,075,570), Hassell et al. (US 2007/0033615), and Percy et al. (US 4,646,145), and further in view of Yamamoto (US 2007/0006266 A1).

Response to Arguments

Applicant respectfully submits that independent claims 1, 5 and 7, and their dependent claims, contain features that are not found in any of the cited references.

Specifically, amended claim 1 requires:

*“**instructional material** presented on said display for concurrently selectively identifying said selected ones of said recommended program items as having been previously viewed **to avoid future listings** and for selectively*

identifying a selected one of said recommended program items for current viewing”.

In the January 2, 2008 Office Action, page 3, it is conceded by the Office that Finseth fails to disclose a user-operable input signal device coupled to said microprocessor, enabling a user to selectively identify selected ones of said recommended program items on said display as having been previously viewed, such that said microprocessor then removes said selected ones of said recommended program items from said listed recommended program items for current viewing on said display and adds said selected ones of said program items to said look-up lists in said memory device, as claimed. It is further conceded by the Office that Usui and Finseth fail to disclose instructional material presented on the program list display and update the program list after user action (Office Action, page 4). Because of the deficiencies in Finseth and Usui, the Office cited Hassell, which is directed to a television program guide with a digital storage device and a secondary storage device.

However, Applicants submit that Hassell does not teach or suggest any instructional material presented on said display for concurrently selectively identifying said selected ones of said recommended program items as having been previously viewed to avoid future listings and for selectively identifying a selected one of said recommended program items for current viewing, as claimed. Hassell, Fig. 9 shows a directory listing screen, and Fig. 13 shows only how the program listings can be arranged in format on the screen (see paragraph [0088]), and the access to features from a list of on-screen options provided (paragraph [0089]). Hassell discloses a screen that allows the user to access to features such as play back, deleting programs, etc. However, nothing in Hassell teaches or suggests the feature that the user is concurrently able to either identify one program as previously viewed to avoid future listings, or to select one program for current viewing.

In view of the foregoing, Applicants submit that claim 1 is patentably distinct from the teachings of Finseth, Usui, and Hassell, alone or in combination. Applicants' amended claim 5 includes several similar distinguishing features as discussed above with respect to claim 1, and

thus Applicants respectfully submit that claim 5 is patentably distinct from the teachings of Finseth, Usui, and Hassell, alone or in combination.

Applicants' amended claim 7 requires:

“displaying a screen menu, together with said displaying of recommended program items, concurrently indicating that a user can identify a recommended program item for current viewing, that a user can identify a recommended program as being previously viewed by said user and that a user can identify a recommended program as being unacceptable by said user”.

Applicants' amended claim 7 includes several similar distinguishing features as discussed above with respect to claim 1. In additional, Applicants submit that nothing in Finseth, Usui or Hassell teaches or suggests that a user can identify a recommended program as being unacceptable by said user, as claimed. Therefore, claim 7 is patentably distinct from the teachings of Finseth, Usui, and Hassell, alone or in combination.

Applicants further submit that none of the other secondary and tertiary, etc. references teach or reasonably suggest such a recommendation system or user-operable device, or a similar need for concurrently selecting between a recommended program for viewing and operatively selecting previously view items for purposes of avoiding future listings and updating displayed recommendation lists, and a similar need for concurrently selecting between a recommended program for viewing and operatively selecting previously view items and operatively selecting a program as being unacceptable to the user.

Withdrawal of the rejection of claims 1, 5 and 7 under U.S.C. 103(a) is respectfully requested. Withdrawal of the rejection of claims 2 – 4, 6, 8 and 10 under U.S.C. 103(a) is further requested because they depend from claims 1, 5 and 7.

Any fee due with this paper, not already paid through an EFS-Web filing, may be charged to Deposit Account No. 50-3894. Any overpayment may be credited to Deposit Account No. 50-3894.

Respectfully submitted,

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

A handwritten signature in black ink, appearing to be 'H. Wolin', written over a horizontal line.

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